

UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND

DENISE CROWE,
Plaintiff,

v.

C.A. No. 05-98T


ROBERT C. MARCHAND, M.D.
Defendant.

ORDER DENYING PLAINTIFF'S MOTION FOR A NEW TRIAL

Plaintiff's Motion for New Trial is hereby DENIED for the following reasons. First, as the Court ruled at trial, the fact that Dr. Leslie had not reviewed the x-ray films at the time he rendered his initial opinion goes to the weight that should be given to his opinions and not to their admissibility. Second, Dr. Leslie stated that he had subsequently reviewed the x-rays and the only reason he wasn't permitted to mention them as a basis for the opinion expressed to the jury was that the Plaintiff did not have an opportunity to question him before trial regarding his review of the x-rays.

The Plaintiff's contention that Dr. Leslie's opinions regarding the Plaintiff's condition and prognosis if surgery had been performed sooner and the cause of the Plaintiff's pain were not adequately disclosed to the Plaintiff is unsupported. The Plaintiff has not pointed to any specific request made to Dr. Leslie as to his opinion on these topics. In any event, disclosure of Dr. Leslie's opinions on these issues was made in his expert report and his deposition testimony.

IT IS SO ORDERED:



U.S. District Judge Ernest C. Torres
Date: January 30, 2007